

**CALENDAR ITEM
C38**

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6/23/11
WP 8759.9
R. Boggiano

AMENDMENT OF LEASE

APPLICANTS/LESSEES:

Ricky L. Pappan and Carol K. Pappan

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2315 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing uncovered floating boat dock, three pilings, two-pile dolphin, ramp, and bank protection.

LEASE TERM:

10 years, beginning September 13, 2007.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5

PROPOSED AMENDMENT:

Amend the lease to:

1. Delete Section 1 (Basic Provisions), Land Use or Purpose, and replace with the following: Use and maintenance of an uncovered floating boat dock, landing, three steel pilings, two-pile dolphin, ramp, and bank protection;
2. Delete Section 1, Authorized Improvements, and replace with the following: An uncovered 8-foot by 100-foot floating boat dock, 8-foot by 8-foot landing, three steel pilings, two-pile dolphin, ramp, and bank protection;
3. Revise Section 1, Existing, to include an 8-foot by 100-foot uncovered floating boat dock, 8-foot by 8-foot landing, three steel pilings, two-pile dolphin, ramp, and bank protection;

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4. Revise Section 1, To Be Constructed, to include removal of the existing uncovered floating boat dock and landing and construction of a new uncovered floating boat dock and new landing; construction must begin by November 10, 2011, and be completed by November 20, 2012;
5. Revise Section 2 (Special Provisions) to include additional lease provisions related to construction compliance; and
6. Replace Section 3 (Site and Location Map) with the attached Exhibit A.

All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On September 13, 2007, the Commission authorized a General Lease – Recreational and Protective Structure Use to Ricky L. Pappan and Carol K. Pappan. That lease will expire on September 12, 2017. The Applicants are now applying to amend the lease to remove the existing uncovered floating boat dock and construct a new uncovered floating boat dock and landing.
3. Applicants propose to replace the existing dock with a new dock and replace the 5-foot by 8-foot landing with a larger 8-foot by 8-foot landing. All work will take place below the high water mark and no vegetation will be removed to complete the removal of the old dock or construction of the new dock. All work will take place between August 1st and November 20th and construction is anticipated to be completed no later than August 31, 2012.
4. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

Reclamation District 1000
Central Valley Flood Protection Board
County of Sacramento
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905 (b).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

AUTHORIZATION:

Authorize the Amendment of Lease No. PRC 8759.9, a General Lease – Recreational and Protective Structure Use, effective June 23, 2011, to authorize the removal of an existing uncovered floating boat dock and landing, and the construction of a new uncovered floating boat dock and new landing, include additional lease provisions related to construction compliance, and replace Section 3 with the attached Exhibit A; all other terms and conditions of the lease shall remain in effect without amendment.